

# **WASTE MANAGEMENT PROGRAM**

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## **CONTINUOUS QUALITY IMPROVEMENT STUDY ON SOLID WASTE PLAN REVIEW (February 1999)**

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## **Executive Summary**

A committee composed of internal and external stakeholders met from October 1998 to February 1999 to formulate recommendations on solid waste plan review. The 19 member committee focused on the three areas identified in a memorandum prepared by Jay Hochmuth and Susan Sylvester, dated December 9, 1997, on filling plan review vacancies and conducting a Continuous Quality Improvement (CQI) study.

The three key areas for the CQI study identified in the memo are:

1. How will future centralized/decentralized (C/D) vacancies be filled after 1998?
2. What can be done to streamline and improve the way plan review is currently done?
3. What systems are needed to provide adequate collaboration opportunities for plan reviewers so they can stay current on state-of-the-art issues and can consistently implement program requirements?

This report identifies:

1. Why individual department programs conducted such a study
2. The committee participants and how they were chosen
3. The areas studied
4. A charge and problem statement
5. Factors which affected the scope of the study
6. Methods and background information used to identify needs and recommendations
7. Evaluations of the three key areas and recommendations from the committee for improvement.

Based on the committee's evaluation, the following recommendations have been provided in this report:\*

### **Overview of the Recommendation on How to Fill Future C/D Vacancies**

The committee could not reach consensus regarding where to fill plan review vacancies. The majority recommended that as C/D staff positions become vacant in the future, the positions be filled in the Regions as the norm. This recommendation is based upon the factors affecting the scope of this study (see page 8), and the current location of the hydrogeologists and engineers that perform plan review within the Waste Management Program. The committee also suggested that an exemption clause may be necessary for regional leaders to be able to choose whether, in extenuating circumstances where the program would substantially benefit, a future C/D vacancy can be filled by a staff person who wants to remain located in the central office. In order to better implement Decentralization, the committee identified the following items that they believe would need to be considered:

- Decentralization must include measures for efficient and effective training of staff to ensure consistent decision making statewide.
- Decentralization must include easy access to complete files at or very near a staff person's location and the public must have ready access to complete files.
- This study did not include an evaluation of the fiscal impacts of any of the options.
- Some benefits of centralized staff could be lost at a later date as the number of plan review staff are decentralized.

### **Overview of the Recommendations for Streamlining and Improving Plan Review**

## **Procedural Changes**

1. Examine the development of more automated/standardized submittals.
2. Examine the approval writing process for items that could be improved.
3. Evaluate tracking and evaluation procedures.
4. Examine the process by which other cross-program, multi-disciplined reviews are completed and approved.
5. Examine how the department can increase the number of complete initial submittals.
6. Evaluate the potential for contracting out some portion of solid waste plan review.

## **Administrative Rule or Statutory Changes**

1. Evaluate expanding the use of expedited plan modifications and/or placing greater reliance on the landfill applicant, with or without their consultant(s), for self-certification.
2. Evaluate the potential for requiring the feasibility study and plan of operation for a proposed landfill to be combined and submitted as one report.
3. Evaluate the scope of department plan reviews and consider reducing the number of factors to be considered.
4. Examine resolving issues such as ch. NR 103 (water quality standards for wetlands) and “needs” earlier in the landfill siting process.

## **Overview of the Recommendations for Systems Needed to Provide for Adequate Collaboration Opportunities for Plan Reviewers**

1. Continue common oversight by the Standing Solid Waste Team Leader and the Technical Support Section Chief for landfill siting decisions and precedent setting facility design approvals.
2. Expand implementation of mentoring and develop intra and inter regional peer review processes.
3. To the extent possible within the department structure, regional staff that have gained expertise in a particular area should be provided with the opportunity to share their experiences and expertise through training, newsletters and team membership.
4. Better define the roles of staff, supervisors, and teams in identifying and resolving controversial precedent setting decisions.
5. Include consistency in employee evaluations (staff, supervisors and managers) and implement a meaningful audit process to identify areas of inconsistency.
6. Explore means to consistently process exemption requests.
7. Set up regular meetings for staff doing similar jobs to share information and experiences.
8. Institute a "tier-based system" of training for staff and supervisors.
9. Implement work planned to update the guidance system by reviewing and archiving obsolete guidance and improve guidance and policy development.
10. Establish electronic systems for filing, tracking workload, etc.

**\* Implementing a number of the above recommendations will require significant staff time and resources. Readers of this executive summary are strongly encouraged to consult the details of the evaluations and recommendations contained within the body of the report.**

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## **Study Background**

In June of 1995, the Department of Natural Resources began implementing a process of reorganization outlined in a report prepared by a management consulting team from the firm of Grant Thornton. As part of its restructuring the department was to create 35 service centers, reduce its field structure from 6 districts to

5 regions, and reorganize most of its field staff into interdisciplinary teams assigned to geographical management units (GMUs) within the regions. The reorganization projected a decrease in central office staff from 1,080 to 830 by a process of staff reduction and decentralization. Approximately 136 positions were to be decentralized from the central office and district headquarters to service centers.

Based on the restructuring and recommendations for reorganization, the Department's Management Team (DLT) identified specific functions and associated groups of employees to be relocated to service centers. Plan review was one of the functions identified for relocation from the central office to the Regions. Subsequent to the identification of plan review as a relocated function, a number of concerns were raised by department employees and program staff (Attachments I and II) and external customers and stakeholders (Attachments III and IV).

Concerns included:

- The need for relocation
- The cost of relocation
- The impact to department employees from relocation
- The lack of adequate staff resources to ensure program integrity
- The lack of plan review oversight
- The reduction in opportunity for collaboration during project review
- The potential for decrease in technical expertise
- The potential for decrease in consistency
- The potential for decrease in timeliness of response

To address the immediate concerns, the department secretary agreed that current plan review staff would be assigned to the Regions but would be allowed to remain at the central office. To address the program concerns and the concerns of the external customers the management team endorsed a program-based continuous quality improvement (CQI) evaluation of plan review (Attachment V). The focus areas of the CQI study were identified in a memo from the air & waste and water division administrators - Jay Hochmuth and Susan Sylvester, on December 7, 1997, (Attachment VI). This memo also provided an interim policy for calendar 1998 that allowed centralized/decentralized (C/D) staff to move to the Region/service center offices and for vacant positions to be filled in the Regions at the discretion of the Regional Air and Waste Team Leaders. As a result of this interim policy, the number of C/D staff positions to be considered by this study was reduced to eight.

In September 1998, individual programs within the department were authorized, with division administrator direction, to develop an issue paper (Attachment VII), recommend study group members, develop a scope of work, and prepare a final report to be submitted to the DLT for their consideration. The DLT would then consider the recommendations of each study group in light of the overall reorganization goals for the department. The report and recommendations contained herein are primarily intended to provide recommendations for the solid waste subprogram. However, the information within this report and the recommendations may also apply to the hazardous waste and recycling subprograms of the Waste Management Program.

## **Selection of Study Participants**

Participants in the study were chosen to provide a balance between representatives of the department and external customers and stakeholders.

The study participants consisted of:

- A project manager (central office standing solid waste team leader)
- Three experienced C/D waste management plan review staff (1 engineer, 2 hydrogeologists)
- One experienced waste management central office engineer

- The waste management policy section chief
- Three regional supervisors (2 air & waste leaders and 1 regional waste team supervisor)
- The waste management program's attorney
- Two consulting engineers
- Two municipal solid waste facility representatives (1 city, 1 county)
- Two private solid waste facility representatives
- Two industrial solid waste facility representatives
- The executive secretary of the waste facility siting board

## Study Participants

Joe Brusca	South Central Region - Air & Waste Leader
Leslie Busse	Montgomery Watson - Consulting Engineer
John Carroll	Sauk County - Solid Waste Manager
Patti Cronin	Waste Facility Siting Board - Executive Secretary
Sue Fisher	C/D Northern Region Engineer
Barb Hennings	C/D West Central Region Hydrogeologist
Paul Huebner	Central Office Technical Support Section - Standing Solid Waste Team Leader
Kevin Kessler	Central Office Policy Section - Section Chief
Paul King	City of Superior - Public Works Engineer
Dan Kolberg	BT <sup>2</sup> - Consulting Engineer
Jeffery Loeffler	Waupaca Foundry, Inc.
Lynn Morgan	Zigman, Joseph & Stephenson - Waste Management Consultant
John Piotrowski	Tenneco Packaging
Len Polczinski	Northeast Region - Regional Waste Team Supervisor
Ray Seegers	Waste Management of Wisconsin - Environmental Engineer
Lakshmi Sridharan	Southeast Region - Air & Waste Leader
Joe Traynor	C/D Northeast Region Hydrogeologist
Gretchen Wheat	Central Office Planning & Evaluation Section - Engineer
Chuck Leveque	Legal Services - Waste Management Program Attorney

In addition to the participants, the study group was provided with a facilitator (Darin Harris) from outside of the Division of Air & Waste.

## Study Areas

The primary areas of focus for the study are based on a memorandum, dated December 7, 1997, from Jay Hochmuth and Susan Sylvester (Attachment VI). These focus areas are:

1. How will (should?) C/D vacancies be filled after 1998?
2. What can be done to streamline and improve the way plan review is currently done?
3. What systems are needed to provide adequate collaboration opportunities for plan reviewers so they can stay current on state-of-the-art issues and can consistently implement program requirements?

## Charge and Problem Statement

The following charge/problem statement was developed by the department members of the committee to assist the full committee in developing a draft scope of work:

**How to fill future C/D vacancies** - The department needs to determine where plan review staff should be physically located in the future to provide for quality plan review. However, it is unclear at this time the optimal place for staff to be located. Therefore, the committee should keep the following issues in mind:

- Efficiencies of travel.
- Current locations and assignments of staff.
- Whether to place C/D staff or field staff in various locations.

**Streamlining and improving plan review** - The department wishes to provide quality and prompt plan reviews. However, given its available resources, heavy work load and high demands, it is becoming increasingly difficult to deliver such reviews. Therefore, the committee should consider the following:

- Recent resource setbacks are causing workloads of plan review staff to increase substantially.
- Statutory requirements are in place that mandate a certain level of review.
- What is a thorough enough review? What is the quality versus resource balance that is appropriate?

**Systems needed to provide for adequate collaboration opportunities for plan reviewers -**

The department would like to continue to provide the most current and “cutting edge” information to its plan review staff so that they have all the available tools and competencies. A comprehensive and on-going training effort is needed to insure that this happens. The committee reflected on the issues listed below:

- Technical expertise is currently dispersed statewide.
- There are “generalist” supervisors in the waste management program who do not have significant plan review experience and can only provide limited technical support and guidance to staff when plan review technical and policy questions arise.
- It is not known how consistent the current plan review system is statewide.

## **Sub-group Memberships**

At its initial meeting on October 1, 1998, each member of the committee was asked to volunteer to serve on 1 of 3 subgroups. Each subgroup was assigned responsibility for one of the three key study areas and for gathering background information, generating recommendations, and sharing those recommendations with the full committee. The three subgroups and their memberships\* were as follows:

### **Sub-group #1 - How to fill future C/D vacancies**

Joe Brusca	Kevin Kessler
Leslie Busse	Len Polczynski
Barb Hennings	

### **Sub-group #2 - Streamlining and improving plan review**

John Carroll	John Piotrowski
Dan Kolberg	Ray Seegers
Jeff Loeffler	Joe Traynor

### **Sub-group #3 - Systems needed to provide for adequate collaboration opportunities for plan reviewers**

Patti Cronin	Lynn Morgan
Sue Fisher	Lakshmi Sridharan
Paul King	Gretchen Wheat

\*Paul Huebner and Darin Harris assisted all three subgroups. Chuck Leveque provided comments on drafts of this report.

(A Sub-group contact sheet containing telephone numbers and e-mail addresses of the members is provided in Attachment VIII).



## Factors Influencing the Scope of this Study

Three factors that affected the scope of this study are time, the potential for statutory revisions, and the number of positions under consideration.

**Time.** Due to the time given to conduct the study and prepare this report, the consensus of the committee was that a quantitative review of solid waste plan review and staff location would not be feasible. Therefore, the committee chose to focus on identifying the current strengths and weaknesses of the solid waste plan review process. It was recognized that solid waste codes (NR 500-520) were recently streamlined and that an internal sub-team of the standing solid waste team is currently working on significantly streamlining the plan review processes for all non-landfill solid waste facilities. Therefore, the committee also agreed that additional CQI efforts should be used to address those recommendations made in this report that need further study and quantification.

**Statutory requirements.** Detailed review of plans and specifications for solid waste landfills is currently required by statute. Therefore, the committee felt constrained to discussing methods of revising and improving the department's internal plan review process as its primary focus. Suggested statutory changes that may lead to significant streamlining to the State's lengthy but successful landfill siting process were identified, but were considered to be lower priorities for action.

**Positions considered.** The December 7, 1997 memo (Attachment VI), which provided for a CQI study to determine how to fill future C/D vacancies, reduced the number of C/D positions to be considered to eight.

## Group Focus Discussions

In late October 1998, assistance was requested from Mr. Ed Nelson, a researcher within the Bureau of Integrated Science Services (ISS), to help collect ideas and identify needs for this study. Initially, members of the committee hoped that background information could be gathered by conducting formal surveys. Due to time constraints and the cost of formal surveys, Mr. Nelson recommended that he interview small sample groups of stakeholders (one composed of recently hired regional plan review staff located in the regions, one composed of experienced C/D plan review staff, and one composed of the external members of the committee). Based on Mr. Nelson's advice, the external members of the committee were encouraged to gather information from their associates and stakeholder organizations prior to being interviewed. The interviews were structured to include the identification of each person's involvement with the Waste Management Program, their perception of what is and is not working, and any recommendations they have for change. Training and file locations were also discussed with the two internal focus groups. General areas of discussion included plan review streamlining, staff location, and program consistency. Mr. Nelson also tape recorded the interviews to enable the use of anonymous/verbatim quotes. A summary of the focus groups discussions, as prepared by Mr. Nelson, was provided to the committee on December 9, 1998 (Attachment IX). The summary was utilized by the three subgroups of the committee, along with other background information on the solid waste subprogram's current plan review workload and resources for conducting plan review. For FY 00 (i.e. July 1, 1999 to June 30, 2000) the Waste Management Program is expecting to allot 10 Full Time Equivalents (FTEs) for solid waste plan review and licensing activities.

## Evaluation of How to Fill Future C/D Vacancies

The sub-group evaluated three options for filling future C/D waste management plan review staff vacancies. The three options are:

1. All future plan review staff vacancies are filled in the central office (GEF 2) in Madison
2. All future plan review staff vacancies are filled in the service centers

3. Future plan review staff vacancies would be filled either in the central office or the Region/service center offices at the discretion of the Air & Waste Regional Leader.

There are currently 24 engineer and hydrogeologist positions in the Waste Management Program with duties that include plan review, guidance & policy development, technical assistance, outreach, compliance and construction inspection, administrative duties and cross program and interagency work. People in those positions are also members of teams such as the standing solid waste and environmental monitoring teams which support the plan review function. Sixteen of those positions are located and supervised in the Regions while eight positions are held by incumbents who are supervised in the Regions but located in the central office. The Waste Management Program is planning to allot 10 FTEs for FY 00 to review the entire spectrum of solid waste submittals that the department receives from the regulated community.

The December 7, 1997 memo from Jay Hochmuth and Susan Sylvester (Attachment VI) defines the scope of the study. That memo states that the positions to be considered for the study are the eight plan review positions currently held by staff who chose to remain physically located in the central office, and regardless of where staff would be located in the future, plan review would continue to be supervised by Regional supervisors. In other words, the basic assumption for the scope of this study is that Regional implementation of the entire spectrum of plan review, except for the Crandon Mine Proposal, is appropriate for the Waste Management Program.

**Who are the parties (stakeholders) in the plan review process?** Parties external to the department who have a stake in the plan review process include:

- Facility owners/operators
- Consultants
- Individuals and interest groups
- Attorneys
- Communities and industries using the sites
- Elected officials
- Other state and federal agencies such as the FAA and EPA

Parties internal to the department who have a stake in the plan review process include:

- Plan review and other Waste Management Program staff
- Supervisors
- Other programs and support staff (i.e. Integrated Science Services, Drinking Water and Groundwater, Legal Services, Endangered Resources, etc.)
- The Administration.

These parties are located statewide. No matter where they are physically stationed, plan review staff and their supervisors need to fully utilize all the various types of communications tools at their disposal. In order to better understand staff and external views on decentralization, three groups of individuals were interviewed by Ed Nelson of the Bureau of Research: experienced plan review staff, newer inexperienced staff and external members of the committee. Because of the limited time frame for conducting and interpreting the interviews, supervisors were not interviewed for this study. The interview format allowed for discussion of the three general areas to be addressed by the CQI study - streamlining, location, and consistency. Staff expressed many concerns on all of these issues. It should be noted that a positive experience was conveyed from the external committee members regarding satisfaction on the response time and working relationships with staff assigned to the services centers. Interpretation of the interview comments and concerns is in Appendix IX.

**Where are the engineers & hydrogeologists that perform plan reviews currently located/assigned?**

Locations	(effective January 1, 1999)					
	SCR	SER	NER	WCR	NOR	TOTAL
Staff in CO	1	1	3	2	1	8
Staff in Region	<u>5*</u>	<u>7</u>	<u>2</u>	<u>2</u>	<u>0</u>	<u>16</u>
TOTAL	6	8	5	4	1	24

**\* Includes one hydrogeologist assigned to the Janesville Service Center that is on loan to the Northern Region as a mining outreach position.**

In addition to the engineers and hydrogeologists whose assignments include plan review, a pool of knowledgeable and skilled professionals (many of whom formerly performed plan reviews) retain central office positions which support the technical plan review function in the following sections:

- Technical Support
- Policy
- Planning & Evaluation

Future vacancies in these sections may or may not be filled with people having the same skills as current staff.

The following chart identifies the supervision and workstation location of the engineers (E) and hydrogeologists (H) assigned to work for each of the Regions. Note that those positions are not equally distributed among the Regions.

<u>Region</u>	<u># of E &amp; H</u>	<u>Supervision</u>	<u>Workstation</u>
WCR	2 (1E & 1H)	LaCrosse	LaCrosse
	2 (1E & 1H)	Wisconsin Rapids	Madison, GEF 2
NOR	1 (E)	Spooner	Madison, GEF 2
NER	2 (1E & 1H)	Green Bay	Green Bay
	1 (E)	Green Bay	Madison, GEF 2
	2 (1E & 1H)	Oshkosh	Madison, GEF 2
SCR	3 (2 E & 1H)	Fitchburg	Nevin Fish Hatchery
	1 (H)	Fitchburg	Madison, GEF 2
	2 (1E & 1H vacancy)	Janesville	Janesville
SER	2 (1E & 1H)	Milwaukee	Milwaukee
	1 (H)	Milwaukee	Madison, GEF 2
	3 (2E & 1H)	Milwaukee	Annex
	2 (1E & 1H)	Sturtevant	Sturtevant

**Why are plan reviewers in these different locations?** The plan review function for solid waste has generally been a central office function. A lack of staff and the development of the Waste Management Program made it a priority to centralize the hydrogeologist and engineers that performed plan reviews for the complex waste facilities.

In 1995, the Waste Management Program's plan review function was decentralized as part of the department's reorganization into geographic regions. Some staff chose to move to regional offices, and the plan review staff who were already located in the Regions decided to stay in their respective locations.

However, before staff were allowed to move, Secretary Meyer announced that a CQI Study would be completed in order to determine where plan review staff should physically be located (Attachment V). Because most of the staff performing plan reviews were centralized and their supervision was decentralized, they were called C/D staff. During 1998, plan review staff were allowed to choose whether they wanted to remain in the central office or move out to the Regions, if space conditions allowed. A memo, dated December 9, 1997, (Attachment VI) allowed the Air & Waste Regional Leaders to decide whether they wanted to fill plan review staff vacancies in the central office or in the Region. That option expired December 31, 1998.

**Who supervises the plan review staff?** Plan review staff currently in the Region/service center offices and those who have chosen to stay in the central office are supervised by Regional Waste Team or Sub-Team Leaders. In some cases the supervisor is located in the same office building as the plan review staff, and in others the staff may be located in a service center office or the central office. Of the nine current supervisors, three are engineers and two of three have had experience with the entire spectrum of plan reviews. This is in contrast with the former central office engineer and hydrogeologist supervisors (unit leaders) that had extensive plan review knowledge and experience.

**What were the goals to be achieved by decentralization of the plan review function?** The goals of reorganization and decentralization of the plan review function include:

- Greater customer access to department decision makers
- Improved integration of resource and environmental management activities
- Decision making made at levels closest to the affected resource.

## **Study Group Analysis of How to Fill Future C/D Vacancies**

The subgroup decided to review the potential strengths for location of the plan review functions in the Regions and in the central office. Because many of the “strengths” for one location could be viewed as “weaknesses” for the other location, the group decided to focus on the positive aspects only. However, the members felt that in some cases the perceived advantage may be mitigated by other factors or may require additional explanation. These factors and additional explanation are indicated by the following items, which are numbered in no particular order.

### **New staff located in the Region/service center offices**

1. Review staff can better interact with their supervisor if she/he is in the same office building.
2. Files are located where the plan reviewer is located, which is usually closer to the facility than is the central office. (Some members disagree that having the files located in the Region is always an advantage for several reasons: additional support staff would be required to maintain the files when they are located in the Region, reviewers are not trained in how to maintain files; either files within the central office would be dismantled or there would be duplicate systems in place; there is limited space in the regional offices to maintain files for easy customer access - “old” files are currently virtually inaccessible even to staff, and consultants and the general public in Madison prefer working with the central office files.)
3. Because of staff proximity to facilities and local officials, they may be more accountable to the applicant/public.
4. Review staff would have more frequent interaction with resource management program personnel and with the solid waste specialists/investigators located in the Regions.
5. Review staff become more generalized which could lead to a more streamlined process.
6. Review staff can easily and quickly travel to a site and confer with the owner.
7. In case of a contested case hearing, distance from the decision maker (Secretary/Bureau Director) would be more easily maintained.
8. Review staff would be available for backup in case of environmental emergencies.
9. This is consistent with the reorganization goals.

10. This option does not create the two tiers of supervisors that would be created if the study recommended that future vacancies be filled in the central office. In that case, some supervisors would have to abide by such a decision and always have to fill their vacancies in the central office, while others would not.

#### **New Staff located in the central office or Region/service center offices at the discretion of the Regional Air/Waste Team Leader**

1. This option provides flexibility to the regional managers by allowing them to fill a position in the location which is most desirable at the time. However, this option could be confusing to the public/applicants.

#### **New Staff located in the central office**

1. Peer proximity would be enhanced, but interaction with supervisor is physically limited.
2. It is easier to maintain and staff one centralized file system (Some members disagree because the complete file would be in neither the central office or in the Region; files would be farther from the facility; Regions currently maintain files for the Bureau of Remediation and Redevelopment just fine)
3. Review staff may be more insulated from public/applicant and not as likely to be subject to inappropriate pressure from them.
4. Review staff would not be pulled from their technical work to help with non-program activities such as selling licenses or answering the phone.
5. This option allows review staff to attain a higher degree of specialization in their areas of interest.
6. Technical expertise and plan review consistency is easier to maintain.
7. Review staff could be trained more easily with less travel time.
8. Review staff would have more interaction with legal and technical support staff.
9. New plan review staff would be easier to recruit for the central office than in some of the Region offices, particularly in the Northern Region.
10. Review staff serve as a bridge between the central office and the Regions.
11. Plan review staff are close to resources like the University of Wisconsin, the Wisconsin Geological and Natural History Survey, and the United States Geological Survey.
12. Workload balancing is facilitated by proximity to review staff from other Regions who may have previous knowledge about the facility.
13. Review staff are physically closer to the Technical Support Section so that innovative solutions could be readily discussed and implemented in a consistent manner.

### **Recommendation on How to Fill Future C/D Vacancies**

The committee could not reach consensus regarding where to fill plan review vacancies. The majority recommended that as C/D staff positions become vacant in the future, the positions should be filled in the Region/service center offices as the norm (This recommendation is based upon the factors that affected the scope of this study and the current location of the hydrogeologists and engineers that perform plan review within the Waste Management Program as explained below). External members of the committee noted that doing this well could be difficult and expensive. The Waste Management Program must be given the support necessary to maintain trained, professional plan review staff who are able to consistently administer the waste management regulations statewide. In addition, the department must define and implement a policy regarding location of files so that the facilities, consultants and the general public know where to find complete file information.

There is not a consensus within the department or among external customers on whether waste management plan review functions are best performed in the central office or in the Regions. Despite the fact that there have been strong differences of opinion within the department on that subject for nearly two decades, the clear direction was given to decentralize plan review functions during the department's reorganization. Therefore, that question was not within the scope of this CQI study. For purposes of this study, it was a given that responsibility for implementing plan review functions would reside in the regional offices and that 16 of the 24 engineers and hydrogeologists who perform at least some plan review functions would be

located in the region/service center offices. It was also a given that current plan review staff located in the central office would not be forced to move in the future. Therefore, the scope of this study was limited to the question of future vacancies among those eight current C/D plan review staff who are located in the central office and supervised from the Regions. Given that background and direction, and since two thirds of the plan review staff are already decentralized, the most sensible recommendation is to have a strategy that will assure consistent placement of plan review staff in the future. Therefore, the majority recommendation of the committee is that future vacancies be filled in the region/service center offices. This recommendation to fill future vacancies in the Regions also should extend to approving future C/D staff requests to move to their assigned geographical locations assuming there are accommodations at the location.

### **Additional considerations**

In order to better implement this recommendation, the committee identified the following items that they believe would need to be considered:

- Decentralization must include measures for efficient and effective training of staff to ensure consistent decision making statewide.
- Decentralization must include easy access to complete files at or very near a staff person's location and the public must have ready access to complete files.
- This study did not include an evaluation of the fiscal impacts of any of the options.
- Some benefits of centralized staff could be lost at a later date as the number of plan review staff are decentralized.

### **Evaluation for Streamlining and Improving Plan Review**

Because of different federal requirements, statutory authority, administrative rules, program history and emphasis, each subprogram within the Waste Management Program and within the department follows a unique plan review process. Following is a brief summary of the process followed in the solid waste subprogram.

**What is meant by the terms plan review and plan approval?** For the purpose of this study, plan review was considered to be the process the solid waste program employs prior to issuing an approval pursuant to ch.289, Stats., and s. NR 500-538, Wis. Adm. Code. The process varies based on the project or facility type. A plan approval is a written department "approval" specified under any of those chapters.

The terms plan review and plan approval are used to describe the review and approval of all of the various types of reports submitted to the solid waste subprogram for review such as:

- Initial site reports
- Feasibility reports
- Plans of operation
- Construction documentation reports
- Closure plans
- Proposed plan approval modifications

The types of facilities vary significantly in size and complexity and include:

- Non-land disposal facilities such as solid waste storage, transfer, incinerator, processing, wood burning, composting and municipal waste combustor facilities regulated by ch. NR 502, Wis. Adm. Code

- Small land disposal facilities such as one-time disposal landfills, small size construction and demolition waste landfills and intermediate size construction and demolition landfills regulated by ch. NR 503, Wis. Adm. Code
- Municipal or industrial solid waste landfills which are regulated by chs. NR 500, 504, 506, 507, 508, 509, 510, 512, 514, 516 and 520, Wis. Adm. Code
- Land spreading facilities regulated by ch. NR 518, Wis. Adm. Code
- Beneficial use of industrial by-products which are regulated under ch. NR 538, Wis. Adm. Code

**Why does the Waste Management Program do plan review?** There are a number of reasons for the department to do plan review including federal requirements, statutory requirements, and administrative rule requirements. First and foremost, plan review is the proactive pollution prevention component of the solid waste subprogram that includes plan review, monitoring, and inspection. Its primary function is to identify potential impacts a proposed project may have on the environment and the public's health and to avoid potentially costly and difficult remediation. Unlike many other types of facilities, a waste disposal facility is not located above ground and it is a permanent feature on the landscape. Therefore, any significant future problems that may develop can be very expensive and extremely difficult or even impossible to correct. The plan approval process also provides:

- An intervention point for prevention of statutory and administrative rule violations
- Technical assistance
- Coordination between the various programs within the department
- Exchange of information
- Development of technical expertise
- Integration with department goals
- Documentation of changes to an approved solid waste facility
- Tracking the evolution of solid waste technology throughout the state

Federal solid waste disposal criteria are set forth in 40 CFR Parts 257 and 258 of the Resource Conservation and Recovery Act. Under those provisions, all states are required to have a permitting process that incorporates statutes, authorities, and rules that result in at least equivalent criteria. Wisconsin was the first state in the nation to receive federal approval of its solid waste permitting program. Section 289.05, Wis. Stats., requires the department to promulgate rules establishing minimum standards for the location, design, construction, sanitation, operation, monitoring and maintenance of solid waste facilities. Sections 289.21(2), 289.24(3), and 289.30(4), Wis. Stats., require the department to determine if the minimum required information has been submitted for initial site reports, feasibility reports, and plans of operation for proposed municipal or industrial solid waste landfills. The minimum standards/requirements that are to be submitted are contained in ch. 289, Wis. Stats., and chs. NR 500-520, Wis. Adm. Code. If the minimum required information is not contained in a report, the department is required to notify the applicant in writing that the report is incomplete and specify what information still needs to be provided. Beyond the requirements, the plan approval process provides an opportunity for technical assistance, coordination between the various programs within the department, exchange of information, development of technical expertise, integration with department goals, documentation of changes to an existing solid waste facility, and tracking the evolution of solid waste facility design and performance throughout the state. Plan review is provided as a service to the designer, to the waste facility owner, to other programs within the department, to other state agencies, to federal agencies, and to other parties (i.e. local municipalities and residents) affected by a proposed or existing solid waste facility.

By providing an independent review of an applicant's proposal, the plan approval process lends credibility to siting new waste management facilities. Staying current becomes more difficult as the number and complexity of environmental regulations increases. Using plan review for technical assistance allows the section to target affected parties and to reinforce other broad spectrum public education and technical assistance efforts. In addition, by providing a technical review of projects as a primary work objective the plan review staff has been able to develop and maintain a high level of technical expertise. This level of technical competence provides a foundation for timely and correct decision making. Technical competence

is especially important when evaluating new advances in technology and innovative designs which are not addressed by administrative rules, for evaluating requests for exemption to administrative rules, and for developing administrative rule revisions.

**What level of plan review is needed?** As stated previously, the different types of solid waste facilities vary widely in terms of size and complexity. This, in large part, determines the level of review needed. For most non-landfill solid waste facilities, the plan review requirements are established by administrative rule, and the department has some flexibility. However, the procedures and requirements which apply to licensed landfills and hazardous waste facilities are established largely by statute (See constraints section on p. 4). These procedural requirements dictate the level and detail of plan review activities which must be performed for these facilities. For example, contested case hearings may be held on feasibility reports for municipal and industrial solid waste landfills. This process requires plan reviewers to provide sworn testimony at depositions and at formal adjudicating hearings. Plan reviewers are subjected to cross examination both by attorneys representing an applicant, and by attorneys representing those who oppose a proposal. Every aspect and detail of the department's plan review may be dissected and scrutinized by the public. Plan review staff are required to do a thorough, in-depth review and analysis. This statutory process dictates the level of review which must be done in this situation. Decisions made through this process must ordinarily be applied to similar subsequent proposals for other facilities to assure consistency.

### **What is the Waste Management Program looking for during plan review?**

Solid waste plan review staff look for the who, what, where, why and how of the project.

<b>Who?</b>	Who will the project serve? Who designed the project? Who will own and operate the facility once it is completed?
<b>What?</b>	What type of facility is being proposed? What provisions will be made for operation, monitoring and maintenance of the facility?
<b>Where?</b>	Where will the project be located? Where will waste products such as leachate be treated?
<b>Why?</b>	Why is the project necessary? Why was this option chosen?
<b>How?</b>	How will the project accomplish the desired results? How will the project meet required location criteria? How will the project meet the construction, monitoring, and operational standards? How will the project mesh with any existing solid waste facility and future solid waste facility expansion plans? How will the project impact other department programs and agencies?

**What does the approval mean for a project?** The approval means that the project has been reviewed for compliance with chs. NR 500 - NR 538, Wis. Adm. Code and that construction may proceed according to the approved plans, specifications, and any modifications/conditions required by the approval.

**What are the goals of the plan review process?** The primary goal of the solid waste plan review process is to provide an intervention point for protection of public health and protection of the environment. In addition it is used as an avenue for technical interaction between the department and the project designer, and to compliment the inspection and environmental monitoring aspects of the program.



**Why do the goals go beyond protection of public health and protection of the environment?** As the department philosophy for environmental management has evolved from a more regulatory approach to a combination of a regulatory and partnering approach, and as the number and complexity of environmental regulations has increased, it has become difficult to stay current with industry standards and regulations. The complexity of disposal facility design has also been exacerbated by the limited availability of suitable land resources for waste disposal facilities. Using plan review for technical interaction allows the solid waste program to target affected parties and to reinforce other broad spectrum public education efforts. For example, when the federal criteria for municipal landfills were promulgated, training and a number of education efforts were provided to both internal and external stakeholders over several years. In addition, by providing a technical review of projects as a primary work objective, the plan review staff develop and maintain a high level of technical expertise. This level of technical competence provides a foundation for more timely and consistent decision making and is necessary to evaluate precedent setting designs not explicitly addressed by administrative rules, such as the use of a Geosynthetic Clay Liner (GCL), proposed variances to administrative rules, and when developing future administrative rule revisions. Technical competence also provides public confidence that the environmental implications of proposed projects have been adequately evaluated.

**How are administrative rule interpretations and variance requests handled during the plan review process and how are they communicated to the applicant proposing the project?** Interpretations and variances are usually handled through plan review staff consensus. The project reviewer will discuss the unique issue with the designer to ensure a complete understanding of the issue and make an independent initial interpretation that is communicated to the designer. In most cases, an informal conference is held between the plan reviewer and the standing solid waste team leader or the technical support section chief, along with the plan reviewer's supervisor to confirm or modify the reviewer's initial determination. This conference will include discussions on comparable facilities and past decisions, whether any federal requirements apply, existing industry standards, and the potential risk of adverse impacts to public health and the environment. After these discussions, the project reviewer will confirm the final decision in writing to address any issues of precedence and cross program concerns and to communicate the final decision to the project designer. Where an issue is repeatedly raised by designers and facility owners, a memorandum is drafted and circulated to all plan review staff and placed in the annual solid waste guidance notebook located in the central office, and may be published in the solid waste technical guidance document, which is distributed to all landfill owners and solid waste consultants. When appropriate, such decisions are incorporated into the solid waste administrative rules.

**What are the functions of the plan review process and how do they relate to the goals of the process?** The functions of the plan review process can be allocated to nine basic tasks:

1. Evaluation and approval or denial of the project. Project evaluation includes review for applicability of and compliance with state and federal standards, drinking water standards, and reference standards. **(Meets primary goal of protection of public health and the environment, and secondary goal of staff development)**
2. Integration with future regulations, existing practices, and department goals. **(Meets primary goals of protection of public health and the environment)**
3. Coordination with other programs within the department, other state and federal agencies. **(Meets primary goals of protection of public health and the environment, and secondary goal of staff development)**
4. Development of and maintenance of plan review staff technical expertise. **(Meets primary goal of protection of public health and the environment and secondary goal of technical interaction)**
5. Education of designers, owners, manufacturers, and suppliers on administrative rules and department initiatives. **(Meets primary goal of protecting public health and the environment, and secondary goal of technical interaction)**
6. Tracking of the project through the review. **(Meets statutory review times)**

7. Documentation of the project, the project design, variances to administrative rules, additional department requirements/conditions of approval, the department's action related to the project, and the owners legal rights related to department decisions. **(Meets secondary goal of technical assistance and enhances secondary goal of employee development)**
8. Information on types of projects, approval requirements, and changes to treatment technologies and regulations. **(Meets secondary goal of technical assistance)**
9. Research of new technologies and development of requirements not currently part of the administrative rules. **(Meets all primary and secondary goals - protection of public health and the environment, technical assistance, and staff development)**

## **Study Group Analysis for Streamlining and Improving Plan Review**

Two of the factors affecting the scope of this study discussed earlier in this report, time and statutory requirements, greatly affect the development of recommendations for plan review streamlining. Also, an internal sub-team of the standing solid waste team is currently working on significantly streamlining the plan review processes for all non-landfill solid waste facilities. In light of these facts, the recommendations for streamlining are focused on the solid waste landfill plan review process, although some may be applicable to other solid/hazardous waste plan review processes. The recommendations are grouped by the level of change that would be required. Those listed in the first group would generally only require procedural changes. The second group of recommendations would require administrative rule and/or statutory changes.

The streamlining recommendations should be prioritized by the department when they are evaluated, taking into account the resources available and the needs at the time. The recommendations have not been quantified or evaluated for cost impacts. Where it is feasible, department managers should be allowed to test some of the procedural recommendations, possibly on a pilot scale, with some measurement of how successful the changes are. It should be noted when reviewing these recommendations that in general Wisconsin's landfill siting process is one that works, especially in comparison to other states. This does not mean that it cannot be improved. However, the program has gone through a significant degree of change recently. This includes both administrative code revisions and the department-wide reorganization. The effects of these recent changes have not been completely felt. This should be carefully considered when evaluating what additional changes are necessary, and ensure that they would benefit the Waste Management Program.

In general, the procedural changes should be the least difficult to enact. Staffing, funding or other constraints, however, may affect how easily or well they could be implemented. Changes to administrative rules are a fairly lengthy process, that requires opportunity for public comment and must be approved by the Natural Resources Board. There is a technical advisory committee (TAC) that provides comment to the department on the NR 500 series of administrative rules. The Waste Management Program communicates regularly with this TAC, and would work with this group before initiating any future changes to the solid waste administrative rules.

Statutory changes must be approved by the legislature. Recent history has shown that when changes to the landfill siting process have been considered by the legislature, the changes generally would have resulted in the siting process being made less streamlined and more cumbersome. Therefore, the recommendations listed below that would require statutory changes should only be considered if the legislature is already actively considering changes to these statutes.

## **Recommendations for Streamlining and Improving Plan Review**

In addition to the streamlining recommendations listed below, workload issues have a significant indirect affect on the plan review process. As part of any evaluation of streamlining it would be crucial to examine these workload issues. Streamlining decisions for the plan review process must be made compatible with the staff resources allocated to plan review, and the total plan review workload. Examples of pertinent

workload issues would include plan review staff's workload balance between plan review and non-plan review activities, such as policy and planning, the potential for non-plan review staff to provide assistance in select reviews, and how plan review staff reassignments impact plan review.

### **Procedural changes**

1. Examine the development of templates for major submittals, or for key summary information to be included in such reports. Consider the potential for using a more automated submittal process, and more extensive use of computers for electronic submittal and distribution of information.
2. Examine the approval writing process for items that could be omitted, such as site summary narrative, or items already required by statute or code. Evaluate if providing drafts of approvals prior to issuance of final approvals would be beneficial or not. Also, evaluate how to best develop approvals for expansion sites with previous approvals, so that new approvals are comprehensive.
3. Evaluate tracking and evaluation procedures to keep staff and supervisors more accountable for statutory review deadlines. Also, the department could evaluate incentives to increase meeting these review deadlines.
4. Examine the process by which environmental assessments (EAs), and other cross-program, multi-disciplined reviews are completed and approved. Determine what would be the most expeditious manner to complete these tasks (e.g. perform EA in the central office or regions, or designating a manager to coordinate/expedite).
5. Examine how the department can increase the number of complete initial submittals. This would include addressing such issues as ensuring consistent reviews, fostering a positive attitude among plan review staff and working with applicants and consultants to provide high quality reports.
6. Evaluate the potential for contracting out some portion of solid waste plan review with outside consultants. Select uses of other department staff should also be considered (i.e. LTEs, technicians, etc.)

### **Administrative rule or statutory changes**

1. Evaluate expanding the use of expedited plan modifications and/or placing greater reliance on the landfill applicant, with or without their consultant(s), for self-certification of compliance with the administrative rules and statutes for various submittals, or annual compliance certifications. Along with this would be a need to evaluate how the department would ensure compliance with the rules. One benefit of this approach is that it may allow for more emphasis on field presence (i.e., construction oversight, audits, and routine inspections by department staff).
2. Evaluate the potential for requiring the feasibility study and plan of operation for a proposed landfill to be combined and submitted as one report. This may be more applicable for proposed sites that have received a positive initial site opinion from the department.
3. Evaluate the scope of department plan reviews and consider reducing the number of factors to be considered.
4. Examine resolving issues such as ch. NR 103 (water quality standards for wetlands) and "needs" earlier in the landfill siting process. At present, final decisions regarding wetland affects and needs cannot be made prior to a landfill feasibility determination.

## **Evaluation of Systems Needed to Provide for Adequate Collaboration Opportunities for Plan Reviewers**

This evaluation primarily addresses training and consistency in the solid waste subprogram, although information herein may also apply to the hazardous waste and recycling subprograms of the Waste Management Program.

### **History**

#### **Prior to Reorganization**

#### **After Reorganization**

Complex solid waste plan review was overseen primarily by central office supervisors (unit leaders) specialized in one area: landfill siting; landfill design and construction; landfill monitoring; other non-landfill facilities and activities.

Most plan review staff (hydrogeologists and engineers) and the unit leaders were part of a common section and had a common location.

Position descriptions required unit leaders to have in-depth and extensive technical knowledge related to the area they oversaw.

Plan review staff were assigned to perform a significant amount of plan review in a specific area and were encouraged to specialize and develop in-depth expertise in that area.

Training and consistency in complex solid waste plan review were achieved primarily by the organizational structure and staff location. Historically, the amount of initial plan review training newly hired staff received varied significantly. However, plan review staff located in the central office received direction on an as needed basis from unit leaders and other supervisors and their co-workers and by attending monthly staff meetings where new policies and procedures were discussed and precedent setting plan review proposals were debated. In addition, an informal mentoring process was used to assign an experienced plan reviewer to assist a new employee with their first plan review.

All plan review is overseen primarily by regional supervisors responsible for implementing all aspects of the Waste Management Program.

Plan review staff and their supervisors report to different supervisors and are located in different places (in the central office or in Region/service center offices).

Position descriptions require the regional supervisors to be overall program managers, rather than technical experts. The Technical Support Section in the central office and various teams were created (in part) to help provide technical guidance to staff.

Plan review staff are assigned to perform plan reviews for all types of facilities for both solid and hazardous waste facilities, and perform a wider variety of non-plan review tasks.

Newly hired and inexperienced plan review staff located in the Regions have received limited guidance and training on plan review from a number of the C/D staff and the former unit leaders. A solid waste training subteam formed after reorganization has also developed a comprehensive manual entitled, "Guidance for Plan Review Staff," and over the past two years has provided two (1 day) training sessions on plan review. These sessions were held in two different locations, Wausau and Madison to save on travel costs. The Waste Management Team has formally endorsed the mentoring process used prior to the reorganization in the central office to provide an opportunity for new or inexperienced plan review staff to be mentored by an experienced plan reviewer while reviewing their first significant plan review.

**Challenges identified** - To maintain staff expertise and consistency, more frequent and structured training is needed as indicated by the challenges identified below. Due to workload, tight resources, and inadequately defined priorities, these challenges have always existed, but the new organizational structure has exacerbated these conditions and additional measures are required to ensure staff expertise and consistency is maintained.

1. Individuals sometimes have different philosophies that result in inconsistent decisions.
2. Due to overall workload, plan reviewers do not always have sufficient time to do the research needed to ensure consistency. Due to workload of supervisors, there is not sufficient oversight to ensure consistent review procedures and decisions, or to identify inconsistent decisions after the fact and to take appropriate follow up action.
3. Staff and supervisors have multiple job responsibilities and are expected to complete a great variety of assignments:

- Staff and supervisors are unable to “practice” technical and administrative plan review skills as often as necessary to develop and maintain proficiency. As overall program managers, most of the regional program supervisors do not have in-depth training in the specialized disciplines used in plan review (hydrogeology and engineering) and, as a result, in most cases these supervisors do not provide expert technical advice to their staff.
  - Lengthy intervals between training and the opportunity to practice that training creates the need for ongoing training. Lack of adequate training and technical support is an increasing problem at this time.
  - On some issues, staff providing technical support are no longer practicing plan review and their expertise in plan review will erode over time. In addition, a number of the staff providing technical support report to different work units within the central office and other staff providing technical support report to regional offices. Therefore, there is no formal structure to ensure delivery of technical support services. There also is no up to date list identifying experts for plan review staff to contact for technical support. Technical support is not easily physically accessible.
4. There are no formal procedures to ensure staff or supervisory accountability.
  5. Training for staff and supervisors must be addressed.
  6. Inconsistencies and ambiguities may occur in code development, usually from inadequate communication among staff, or between staff and stakeholders. Sometimes inconsistencies in code development occur due to inconsistent interpretation of governing statutes or related codes.

## **Recommendations for Systems Needed to Provide Adequate Collaboration Opportunities for Plan Reviewers**

Implementing these recommendations would require significant staff time and additional resources. However, the committee believes these strategies best fit the Waste Management Program’s current needs to improve collaboration/training opportunities for plan reviewers:

1. Common Oversight: Continue common oversight by the Standing Solid Waste Team Leader for landfill siting decisions and by the Technical Support Section Chief for precedent setting facility design approvals.
  2. Mentoring and Support: Expand implementation of mentoring as formally approved by the Waste Management Team, and ensure that experienced regional and central office staff have time dedicated to act as mentors. Formalize technical support functions and update list of experts. Develop intra and inter regional peer review processes (perhaps through regional and statewide teams) to assist in distribution of information and to identify inconsistencies before they occur.
  3. To the extent possible within the department structure, regional staff that have gained expertise in a particular area should be provided with the opportunity to share their experiences and expertise through training, newsletters and team membership.
  4. Controversial Decisions: Better define the roles of staff, supervisors, and teams in identifying and resolving controversial precedent setting decisions.
  5. Accountability: Include consistency in employee evaluations for staff, supervisors and managers. Implement a meaningful audit process to identify areas of inconsistency, and assign responsibility to an adequately authorized individual to take follow up action.
  6. Exemptions: Explore means to consistently process exemption requests. Consider creating an exemption review committee that would meet frequently enough to ensure timely decision making.
  7. Meetings: Set up regular meetings for staff doing similar jobs to share information and experiences about projects and to examine and discuss what they need to do in order to be consistent.
  8. Training: Identify program areas where staff need to be knowledgeable, and institute a "tier-based system of training" for staff performing plan reviews. Necessary training varies by position classification (specialist, hydrogeologist, engineer, and supervisor).
- Tier 1 - Basic training for all staff involved with plan review (environmental assessment staff, program assistants, supervisors, and plan reviewers): This training should include an explanation of the philosophy and purpose of plan review, and make the connection between plan review and pollution prevention. (The explanation should be written in a 1 to 2 page memo.)

- Tier 2 - Training for primary plan reviewers (specialists, hydrogeologists, and engineers): This training should include an overview of the applicable code chapters and administrative procedures for plan review pertaining to landfills, as well as other facility types.
  - Tier 3 - Discipline based specialized plan review training for primary plan reviewers: Each training session should focus on a particular subject area (groundwater modeling, leachate re-circulation and gas extraction methods, other unique designs, construction and operation of specific facility types, etc.).
9. Electronic Access to Guidance and Decisions: Implement work planned to update the guidance system by reviewing and archiving of obsolete guidance, and establishing electronic filing systems. Establish an electronic filing system for past decisions. Consider sending each new guidance, feasibility, and plan of operation approval to all staff via e-mail with a message summarizing the unique issues involved, or create a monthly (or quarterly) newsletter. For each new or revised guidance and policy, develop a written implementation plan. Make the electronic documents available to the public, as well as staff.
10. Improve Guidance and Policy Development: Take steps to ensure consistent development of guidance and policy related to plan review. It is important that guidance and policy are unambiguous, well organized, universally accepted, easy to implement, coordinated with other programs, and developed in an efficient manner. These strategies are recommended:
- Increase involvement from Waste Management Program and legal staff, other program staff, and external parties. Set up a committee of people to write code, and make sure that all first and second line supervisors are able to commit time to code writing.
  - Designate a position to oversee promulgation of state regulations needed to correspond with federal regulations into state regulations.
  - Reduce the time it takes to develop guidance. Allow the author and bureau director to determine whether a pink sheet (per MC 1020.5) is necessary, rather than the Division Adm. (Pink sheet to NRB is currently required.)
  - Ensure adequate technical and support staff to develop needed guidance.
  - Reduce the amount of time required to develop policy. The timetable for code development is primarily subject to schedules set by the Natural Resources Board, and in addition, must consider the scheduling needs of Technical Advisory Committee members. However, more dedicated time on the part of agency staff, if possible within workload constraints, might help shorten the overall schedule.

## Attachments